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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Terwilliger et al.

Appln. No.: 10/035,083

Confirm. No.: 3945

Filed: December 28, 2001

Title: DELIVERY SYSTEM AND METHOD FOR
INTERSTITIAL RADIATION THERAPY

PATENT APPLICATION

Art Unit: 3736

Examiner: John P. Lacyk

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 13, 2004.

(Attorney Signature)

Sheldon R. Meyer, Reg. No. 27,660

Signature Date: September 13, 2004

INTERVIEW SUMMARY PURSUANT TO 37 C.F.R. § 1.133

Art Unit 3736

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This paper responds to the Interview Summary mailed on August 11, 2004 with the Notice of Allowance in the above-referenced case. One month is provided from the date of mailing of the Interview Summary. This response to the Interview Summary therefore is timely. Applicant's response begins on **page 2** of this paper.

Application Number: 10/035,083

Applicant: Terwilliger et al.

Examiner: John P. Lacyk

Interview Date: August 6, 2004

Type of Interview: Telephonic

Participants: Examiner Lacyk and Sheldon R. Meyer, Reg. No. 27,660

Exhibits: None.

Claims Discussed: Claims 93 (Previously presented) and Claims 157-158 (New)

Prior Art Discussed: U.S. Pat. No. 6,497,646 to Candelaria et al., issued Dec. 24, 2002.

Principal arguments presented to the examiner: The examiner's amendment was accepted (see below).

Agreement was reached as follows: Sheldon Meyer agreed to the proposed examiner's amendment of claim 93, to read:

93. A therapeutic element comprising:

a polymeric material;

a plurality of radioactive seed elements; wherein said polymeric material forms an elongated member by encapsulating and connecting adjacent radioactive seed elements end-to-end at desired intervals said radioactive seed elements being encapsulated and connected without the use of spacers; and

said elongated member being axially rigid and radially flexible.

Mr. Meyer further agreed to the proposed examiner's amendment adding the following two claims:

157. The therapeutic element of claim 124 wherein the therapeutic element does not comprise spacers.

158. The therapeutic element of claim 124 wherein the radioactive seed elements are secured

along the elongate member without spacers.

Finally, Examiner Lacyk noticed that the claims submitted December 19, 2003 inadvertently omitted claim 120; accordingly, the examiner and Mr. Meyer agreed that it would be appropriate to renumber the claims 121-157.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: September 13, 2004

By: _____

Sheldon R. Meyer
Reg. No. 27,660

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